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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,382	01/22/2004	Paul G. Baniak	P24859	2420
7055	7590	10/19/2005		
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191				
			EXAMINER AGDEPPA, HECTOR A	
			ART UNIT 2642	PAPER NUMBER

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/761,382	Applicant(s) BANIAK ET AL.	
	Examiner Hector A. Agdeppa	Art Unit 2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/29/05, 6/8/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant's amendment filed on 7/29/05. Claims 1 - 16 are now pending in the present application. **This action is made final.**

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 – 4, 6, and 8 - 16 are rejected under 35 U.S.C. 102(e) as being anticipated by US 5,915,008 (Dulman)

As to claims 1, 2, 9, and 10, Dulman teaches a provisioning system enabling subscribers to activate and modify advanced intelligent network (AIN) services as controlled and executed by subscriber profiles stored in a telecommunications network and/or telecommunications network elements such as service switching points (SSP), service control points (SCP), call processing record (CPR), etc. (Col. 1, line 65 – Col. 4, line 44, Col. 5, lines 39 – 46) comprising:

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customer premises equipment (CPE) read as the claimed client which hosts a graphical user interface (GUI) such as Microsoft WINDOWS™ read as the claimed user interface allowing the subscriber to view and update the profile data (Figs. 5A – 5C, Col. 4, line 64 – Col. 5, line 14, Col. 10, lines 11 – 43, Col. 18, lines 11 – 47); any of either ISCP 50 or SCP 62 (Fig. 2, 4A – 4C, Col. 2, lines 14 – 32, Col. 7, line 4 – Col. 10, line 10) reading on the claimed server which processes subscriber requests by obtaining the profile data from and updating profile data from the client to the AIN via a service creation and management application such as a Service Management System (SMS) 30 and / or the SPACE Provisioning system 54, read as the at least one intermediate system. Note as well that any or all of the CPE server 16a, Firewall server 40, and Access server 48 read on the claimed intermediate system because any communications from the CPE must pass through these servers. (Fig. 2, Col. 4, lines 45 – 64, Col. 7, line 55 – Col. 12, line 11)

As to claims 3 and 11, see Col. 3, lines 43 – 64, Col. 20, lines 29 – 49, and Col. 21, lines 17 – 23.

As to claims 4 and 12, see Col. 10, line 25 – Col. 11, line 48 of US 5,467,388 (Redd, Jr. et al.), which is incorporated by reference in Dulman. (Col. 3, lines 43 – 64 of Dulman)

As to claim 6, see Col. 11, lines 44 – 64, Col. 16, lines 32 – 47, and Col. 19, lines 36 – 56.

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As to claim 8, see Col. 17, lines 56 – 60 wherein DTMF provisioning using an intelligent peripheral 52 can either be replaced or merely supplemented by the invention of Dulman.

As to claims 13 and 14, see the rejection of claim 1 above.

As to claims 15 and 16, see Fig. 2 and Col. 10, lines 11 – 65.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,915,008 (Dulman);

Dulman has been discussed above. What Dulman does not specifically teach is generating reports comprising calling parties attempting to connect to a user and indicating successful and unsuccessful connections. However, Dulman teaches collecting various types of data , as for example, billing (Billing/Data Collector 58) or other data for reporting via a Data and Reporting System (DRS). (Col. 7, lines 4 – 13 and Col. 13, lines 5 – 12)

Collecting information as to whether or not a call was connected to a user or not would clearly be necessary for billing inasmuch as if a caller is not connected to a user, the user should not be billed for the call. Also, for statistical purposes known in the art, this and almost any type of information may be monitored and reported upon. The only determining factor(s) is the information desired. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to have included generating reports as claimed by the present invention.

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,915,008 (Dulman) alone or in view of US 5,396,546 (Remillard)

Dulman has been discussed above. What Dulman does not explicitly teach is allowing a user to specify when to forward updates to the telecommunications network.

However, see Col. 14, lines 57 – 60 wherein Dulman teaches that the SPACE provisioning interface allows for delayed transactions. This means that it is inherent or at the least obvious that a subscriber will be able to specify a time for competing or

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forwarding a profile service update(s). Some later time must be specified and who specifies that time is merely a matter of choice.

Remillard teaches an automatic and user configurable information appliance wherein the updating of an electronic device or the downloading of mail, for example, can be predetermined with times set by a user or done automatically. (Col. 6, line 38 – 1 of Remillard)

It would have been obvious for one of ordinary skill in the art at the time the invention was made to have allowed for user-set updating inasmuch as Dulman already contemplates delayed transactions. Therefore, Remillard merely teaches a subscriber could be given the authority to specify that later time. Motivations for user-set updating are old and well known and encompass merely giving a user more freedom in how his/her service(s) are implemented to saving resources in that automatically updating a user's profile each and every time a parameter or service is updated is wasteful as compared to for example, waiting until a user has completed all his/her updates for that session to update his/her profile.

Response to Arguments

5. Applicant's arguments with respect to claims 1 - 16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hector A. Agdeppa whose telephone number is 571-272-7480. The examiner can normally be reached on Mon thru Fri 9:30am - 6:00pm.

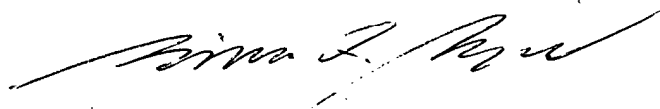
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hector A. Agdeppa
Examiner
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H.A.A.
October 13, 2005

A handwritten signature in black ink, appearing to read "Bing Q. Bui", written in a cursive style.

BING Q. BUI
PRIMARY EXAMINER